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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KELLY, Daniel P.

DATE: October 31, 2002

SERIAL NO.: 09/771,782

GROUP ART UNIT: 1732

FILED: 29 January 2001

EXAMINER: Edmund H. Lee

FOR: "Sports Projectile Shaped Bead Necklace and Method of Manufacture"

Attorney Docket No.: A00219US (98361.3)

RESPONSE

Commissioner of Patents
and Trademarks
Washington, D.C. 20231
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Sir:

This is a response to the Office Action dated 22 October 2002. A shortened statutory period was set to expire three months from the date of the Office Action, making a response due by 22 January 2003.

REMARKS

Applicant hereby affirms his election of Group I, Claims 37-43 and 47-49.

Claims 37-43 and 47-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Batcholts and in view of America's Fund Raisers (promotional information on the Internet). Applicant respectfully traverses this rejection.

Attached is a declaration of the inventor stating that the claimed invention has been licensed to Innovative Marketing, which sells the invention to America's Fund Raisers. Thus, the promotional information on the Internet of America's Fund Raisers is of the claimed invention. It is not prior art and is not available to be used against the present claims. Further, there is no evidence in the record that this information existed prior to the invention by the present invention, or more than one year before the effective filing date of the claims. Thus, even without the attached declaration, this promotional information cannot properly be considered to be prior art.

The promotional information from Mardi Gras Outlet and Amtraco.com is not prior art. There is no evidence in the record that this information existed prior to the invention by the present invention,